

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney Docket No. 15485US01)

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| In the Application of: |) | |
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| Sandeep Relan , et al. |) | FILED ELECTRONICALLY |
| |) | |
| Serial No. 10/826,183 |) | Date: July 24, 2010 |
| |) | |
| Filed: April 16, 2004 |) | |
| |) | |
| SYSTEM AND METHOD FOR |) | |
| MULTIMEDIA VIEWERSHIP |) | |
| SURVEYING |) | |
| |) | |
| Confirmation No.: 9781 |) | |
| |) | |
| Examiner: Fred H. Peng |) | |
| |) | |
| Art Unit: 2623 |) | |

PREAPPEAL BRIEF

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir/Madam:

This correspondence is filed in response to the Office Action of 3/24/10.

REMARKS

Claims 1-2, and 4-37 are presently pending. Claims 3 and 38-63 have been canceled without prejudice. Reconsideration is respectfully requested.

Independent claims 1 and 22, among other claims, were rejected under 35 U.S.C. § 103(a) as being anticipated by United States Patent No. 5,758,259 ("Lawler I") in view of U.S. Patent 5,905,522 ("Lawler II").

Claim 1 recites, among other limitations "a distribution unit, wherein the distribution unit is adapted to independently transmit on-demand a requested multimedia channel and an associated requested corresponding bandwidth to each of the plurality of STBs, wherein the associated requested corresponding bandwidth is requested from each of the plurality of STBs". Examiner has indicated that Lawler II teaches the foregoing at col. 4, lines 4-16 and col. 5, lines 21-56.

Assignee respectfully traverses the rejection. Even if "each requested dedicated program service is associated with requested corresponding bandwidth; like bitmap, audio, or video are different", it is noted that Lawler II is directed to a broadcasting. As Lawler II notes "Demodulator 62a functions as a convention television tuner for selecting one of multiple conventional analog video signals received from central control node 12 at input 60. Video decoder 62b functions as a digital equivalent of demodulator 62a for selecting one of multiple digital video signals received at input 60". Thus, Assignee respectfully submits that the combination of Lawler I in view of Lawler II does not teach or fairly suggest "a distribution unit, wherein the distribution unit is adapted to independently transmit on-demand a requested multimedia channel and an associated requested corresponding bandwidth to each of the plurality of STBs, wherein the associated requested corresponding bandwidth is requested from each of the plurality of STBs".

Examiner has indicated that the combination discloses "dedicated programming services typically are provided by IT system 10 as or in conjunction with computer-executed applications that include video-on-demand (VOD), preview on demand (POD), audio on demand (AOD), and games or other interactive applications.

It is noted, however, that the foregoing, e.g., video-on-demand, and the like, are still part of the broadcast signal. Selective receipt is achieved by scrambling or

encryption. Thus, even on televisions that do not request the VOD or the like, bandwidth is used for the encrypted or scrambled signal. Therefore, the combination does not teach “a distribution unit, wherein the distribution unit is adapted to independently transmit on-demand a requested multimedia channel and an associated requested corresponding bandwidth to each of the plurality of STBs, wherein the associated requested corresponding bandwidth is requested from each of the plurality of STBs”.

Accordingly, Assignee respectfully requests that Examiner withdraw the rejection to claims 1 and 22, as well as to the dependent claims.

In general, the Office Action makes various statements regarding the claims and the cited references that are now moot in light of the above. Thus, Assignee will not address such statements at the present time. However, Assignee expressly reserves the right to challenge such statements in the future should the need arise (e.g., if such statements should become relevant by appearing in a rejection of any current or future claim).

For at least the foregoing reasons, the pending claims are in a condition for allowance. Examiner is requested to enter the amendments and pass this case to issuance.

The Commissioner is authorized to charge any additional necessary fees or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

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